

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICTOR BAHENA, et al.

Plaintiffs,

-v-

PARK AVENUE SOUTH MANAGEMENT
LLC, et al.,

Defendants.
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USDC SDNY
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15-CV-1507 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On February 8, 2016, Plaintiffs filed their motion for conditional certification as a collective action pursuant to Section 216(b) of the Fair Labor Standards Act. (Doc. 88.) For the reasons stated on the record at the September 16 conference, I find that Plaintiffs have made the modest factual showing necessary at this stage of the proceedings by demonstrating that potential collective members are similarly situated. Accordingly, Plaintiffs' motion for conditional certification as a collective action is GRANTED.

As stated on the record at the September 16 conference, within 21 days of the date of this Order, the parties are directed to meet and confer and to provide me with the following: (1) a joint proposed notice which reflects my rulings; and (2) a joint letter regarding revised discovery deadlines as set forth in my April 14 Order, (Doc. 109).

With respect to the revised proposed notice, the parties are reminded that, as stated on the record at the September 16 conference: (1) the recipients of the notice should include superintendents who were employed by Park Avenue South Management LLC since December

1, 2012; (2) the language in Plaintiffs' proposed notice is approved except for the language Plaintiffs agreed to remove and the insertion of Defendants' proposed sentence that reads "If you choose to join this lawsuit, you may be required to provide information and documents, attend and participate in a deposition, and/or testify under oath;" (3) the opt-in period shall be 60 days; (4) within 21 days of this Order, Defendants shall provide Plaintiffs with a list, in electronic and importable format, setting forth each recipients' name, address, telephone number, e-mail address (as applicable), dates of employment, and date of birth; and (5) both an English and Spanish copy of the notice shall be sent to the recipients.

The Clerk of Court is respectfully directed to terminate the motion at Doc. 88.

SO ORDERED.

Dated: September 16, 2016
New York, New York


Vernon S. Broderick
United States District Judge